

**Gervais, Pat (LEG)**

**From:** Sassano, Amy  
**Sent:** Wednesday, February 04, 2009 3:36 PM  
**To:** Smith, Barbara  
**Cc:** Livers, Tom; Bauchman, Ann; Tubbs, John; Beck, Ray; Loble, Bruce; Buska, Becky; Doig, Brent; Gervais, Pat (LEG); Chamberlain, James  
**Subject:** Nat Resources Operations Account and CST Shared Acct

Hi Barb –

I have concurrence from the Budget Director on our proposal to balance these two funds. Our proposal is to transfer cash from the Water Adjudication account to the Natural Resources Operations Account in an amount sufficient to cover the appropriations for the Water Court for the 2011 biennium. Since the Section C subcommittee has historically assumed the role of coordinator for the fund (or it's predecessors), we would request that the Section C subcommittee sponsor a committee bill to implement that transfer. In addition, SB 62 will add about \$113k in revenue into the fund in FY 2011. Any remaining shortfall (I think this will be less than \$50k) is proposed to come from DEQ in FY 2011 (Tom could tell us exactly where). I believe these adjustments should put the Natural Resources Operations fund into a positive financial position.

In regards the CST shared acct, we propose the original fund transfer for Conservation Districts from the Nat Resource Operations Acct to the CST shared acct. In addition, we would propose that the OTO approps for Conservation Districts and Library Districts be cut in half. (I still plan to speak with Rep. Villa regarding this recommendation). I believe these adjustments would also put the CST Shared Acct into a positive financial position.

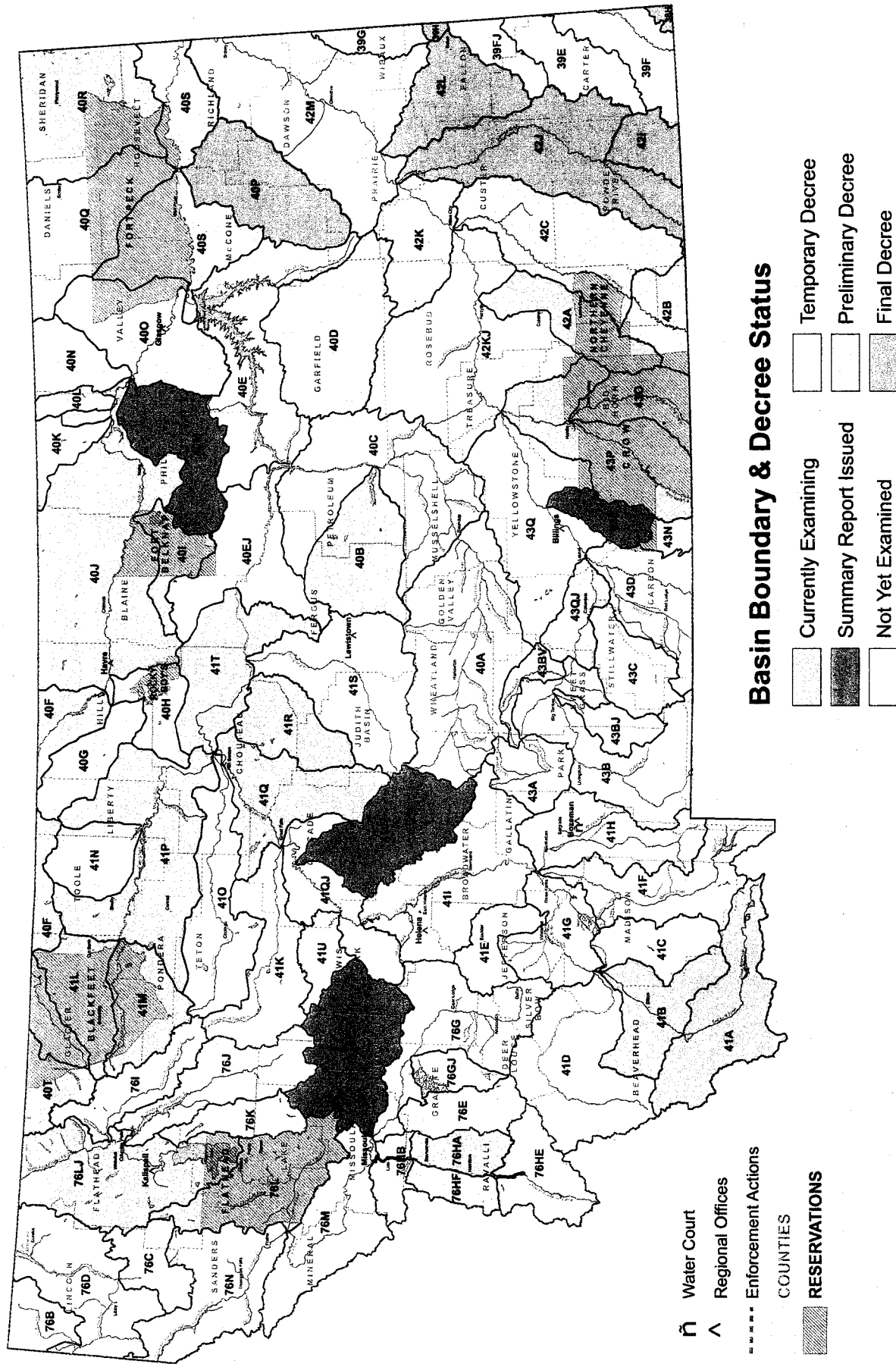
Let me know what you think is the best way to address this with the committee.

Thanks, Amy

Amy Sassano  
Assistant Budget Director  
Governor's Budget Office  
406-444-0619  
[asassano@mt.gov](mailto:asassano@mt.gov)

# Basin Location and Adjudication Status

9/8/08



Decree Issuance - Estimates

Drainage	Decree	Proposed Date	Charges in Decree	Commutative Decree	2009	2010	2011	2012	2013	2014
41D Big Hole River		4/6/07	3,892	6,458						
41QJ Missouri River from Heller Dam to Sun River		2/4/08	2,445	8,903						
42B Tongue River including Hanging Woman		2/28/08	1,342	10,245						
42C Tongue River below Hanging Woman		2/28/08	4,689	14,934						
40M Beaver Creek tributary of Milk River		2/20/09	2,923	17,857						
43E Pryor Creek		2/20/09	623	18,480						
40B Pawnee Creek		3/15/09	3,633	22,113						
41J Smith River		4/15/09	2,653	24,766						
430 Little Big Horn River		6/1/09	1,197	25,963						
40J Milk River between Fresno Res & Whitewater		8/1/09	12,856	36,819						
40R Big Muddy Creek		9/15/09	2,006	40,825						
41B Beaverhead River		10/15/09	2,146	42,971						
41Q Missouri River from Sun River to Marias River		1/10/10	4,075	47,050						
75F Blackfoot River		2/10/10	3,590	50,740						
43P Big Horn River below Greybull River		3/10/10	2,132	52,872						
42A Rosebud Creek		5/26/10	1,201	54,073						
76L Flathead River below Flathead Lake		11/23/10	3,068	57,141						
43H Shoshone River		12/15/10	164	57,305						
41T Missouri River from Marias and Bullwacker Cr		1/15/11	3,073	60,378						
40F Milk River above Fresno		5/18/11	2,323	62,701						
41E Arrow Creek		9/17/11	2,204	64,905						
76J Flathead River including Flathead Lake		12/24/11	5,275	70,180						
41I Cold Bank River		9/11/12	647	70,827						
40T St Mary River		10/22/12	181	71,008						
41W Two Medicine River		11/15/12	1,110	72,118						
41A Red Rock River		4/27/13	2,757	74,865						
40I Peoples Creek		8/24/13	670	75,555						
42M Yellowstone River below Powder River		11/23/13	5,282	80,837						
41P Marias River		12/25/13	3,568	84,525						
40EJ Missouri Riv between Bullwacker & Musselshell		5/3/15	2,531	87,056						
76VA Billings River, East side		8/26/15	2,837	89,893						

Estimate new claims decreed by year

Estimate does not include certification or motion to amend claims.

Date estimates contingent upon DNRC meeting its examination and summary report issuance goals

These estimates assume quick resolution of marshaling exam issue and no new adjudication wide exam or other adjudication issues.

These estimates do not include unresolved Federal and Indian Reserved water rights currently being negotiated by the Montana Reserved Water Rights Compact Commission

These estimates do not include any time estimates to comply with 1989 and 1993 legislative mandates to reopen and review decrees pursuant to 05-2-237, MCA.

These estimates assume the Water Court and DNRC will maintain current staffing levels and adequate budgetary resources to complete their assigned tasks

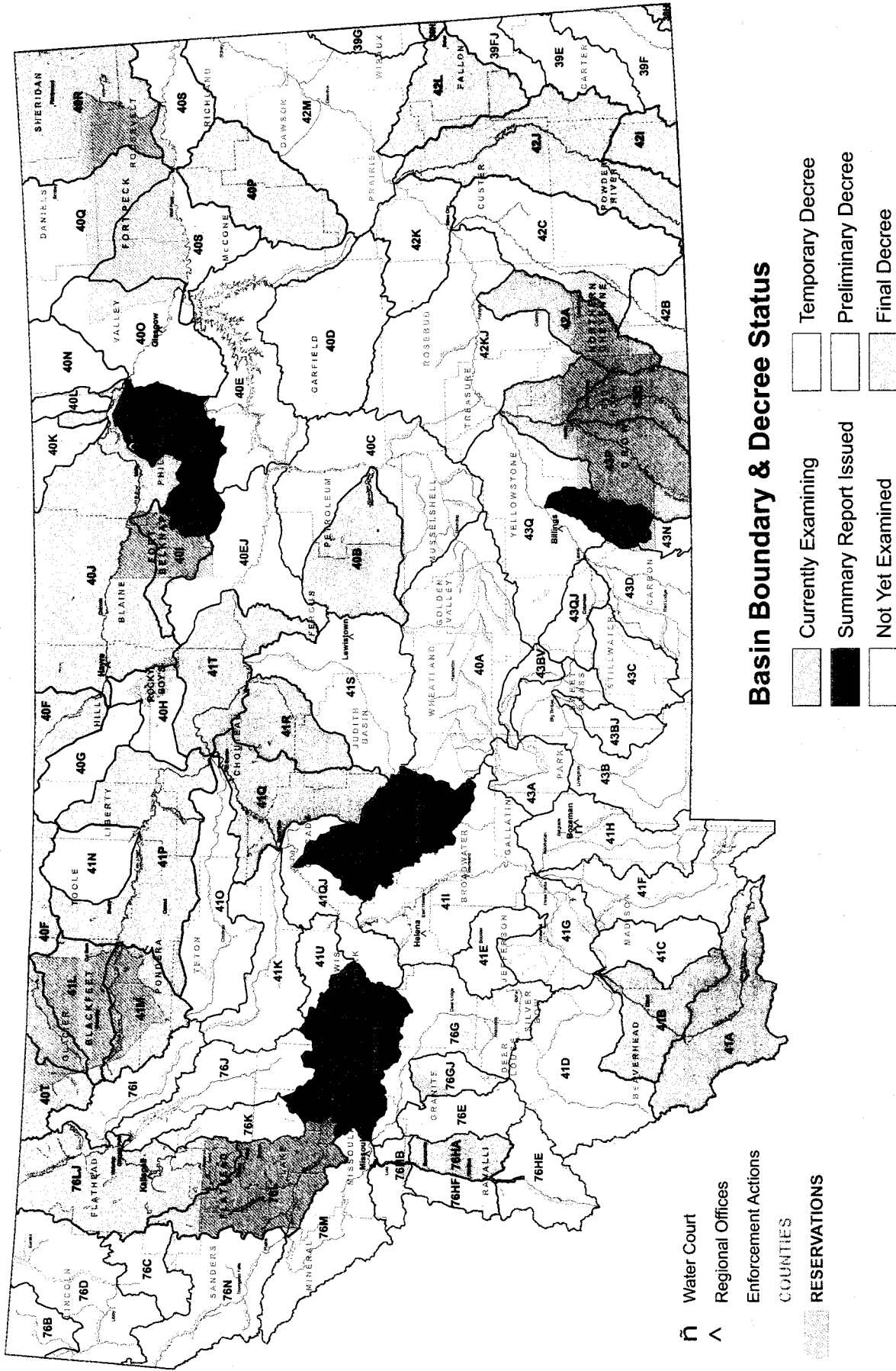
DNRC estimate summary report delivery date

Estimate decree date

Estimate date notice periods complete and water master action can begin

# Basin Location and Adjudication Status

9/8/08



# Montana Water Court

## Decree Issuance - Estimates

Date 1/29/2009

Decree	Proposed	Decree	Claims in	Claims	Decided	Comments
41D	4/6/07	3,882	6,458			Big Hole River
41Q	2/4/08	2,445	8,903			Missouri River from Hole Dam to Sun River
42B	2/26/08	1,342	10,245			Tongue River including Hanging Woman
42C	2/26/08	4,669	14,534			Tongue River below Hanging Woman
43A	2/20/09	2,923	17,857			Snake River Tributary of Milk River
43C	2/20/09	623	18,460			Pony Creek
43E	3/15/09	3,633	22,113			Flathead Creek
43J	4/15/09	2,553	24,766			Smith River
43O	6/1/09	1,197	25,963			Little Big Horn River
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44P	9/15/09	2,006	40,825			Big Muddy Creek
44B	10/15/09	2,145	42,971			Beaverhead River
44O	1/10/10	4,079	47,050			Missouri River from Sun River to Marias River
75F	2/10/10	3,590	50,740			Electron River
43P	3/10/10	2,132	52,872			Bighorn River below Greyhound River
42A	8/26/10	1,201	54,073			Rosburg Creek
76L	11/23/10	3,068	57,141			Flathead River below Flathead Lake
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41T	1/15/11	3,073	60,378			Missouri River from Marias and Bulwacker Cr.
40F	5/18/11	2,323	62,701			Milk River above Fresno
41R	9/17/11	2,204	64,905			Arrow Creek
78J	12/24/11	5,275	70,180			Flathead River including Flathead Lake
41L	9/11/12	647	70,827			Cut Bank River
40T	10/22/12	131	71,008			St Mary River
41M	1/15/12	1,110	72,118			Two Medicine River
41A	4/27/13	2,767	74,885			Red Rock River
40I	8/24/13	670	75,555			Popple Creek
42M	1/12/13	5,282	80,837			Yellowstone River below Foulard River
41P	12/25/13	3,868	84,525			Marias River
40EJ	5/31/15	2,531	87,056			Missouri River between Bulwacker & Musselshell
78HA	8/26/15	2,837	89,893			Bighorn River, East Side

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Estimate decree date

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**MONTANA JUDICIAL BRANCH**  
**Additional District Court Judges Budget Proposal**  
**February 5, 2009**

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***Judicial Workload Assessment Study***

- In 2006, District Court judges, with assistance from National Center for State Courts, conducted a judicial workload assessment study
- Study showed need for 9 to 13 additional judges with greatest need in urban counties
- District Court Council (DCC) recommended that Judicial Branch seek six additional judges with support staff and two standing masters
- DCC considered several judicial redistricting proposals but rejected them because they created larger districts substantially increasing a judge's windshield time

**HB 2 BUDGET PROPOSAL (FY 2010 AND FY 2011)**  
**COMPANION LEGISLATION: SB 158**

- Election of six judges -- one each in the 1<sup>st</sup> (Lewis & Clark and Broadwater Counties), 8<sup>th</sup> (Cascade County), 11<sup>th</sup> (Flathead County), and 18<sup>th</sup> (Gallatin County) Judicial Districts and two in the 13<sup>th</sup> (Yellowstone County) Judicial District -- to take office January 3, 2011

Judges would be supported by the following staff to begin work on same date that judges take office (January 3, 2011):

- 1<sup>st</sup> Judicial District: judicial assistant, court reporter, and law clerk
- 8<sup>th</sup> Judicial District: judicial assistant and court reporter
- 11<sup>th</sup>, 18<sup>th</sup>, and 13<sup>th</sup> Judicial Districts (each judge): judicial assistant and law clerk
- Employment of a standing master in 11<sup>th</sup> Judicial District (Flathead County) -- to begin work January 3, 2011. (No support staff requested for this position)
- 2011 biennium cost: \$1,128,522

1 Judge – Elected – Effective January 3, 2011  
Support Staff: Law Clerk, Judicial Assistant, Court Reporter

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**MONTANA JUDICIAL BRANCH**  
**Drug Court Funding Budget Proposal**  
**February 5, 2009**

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- 2009 biennium drug court appropriation: \$1.345 million (general fund)
- Funds used to support 15 drug courts (adult, family, juvenile, and co-occurring), statewide drug court coordinator, and statewide data collection system
- Recent study, based on statewide data, reports that Montana's drug courts are making significant differences in the lives of participants
- Cost-benefit analyses of individual courts indicate that these courts are a cost-effective alternative to traditional incarceration and probation

**2011 BIENNIUM BUDGET PROPOSAL (FY 2010 and FY 2011)**

- Although 2007 Legislature's appropriation was biennial, only the amount spent in base year (FY 2008) was built into budget for FY 2010 and FY 2011
- Because of start-up needs and requirement to spend down federal money, base budget only contains \$593,628 for next biennium for drug courts and statewide operations, a significant reduction from \$1.345 million appropriated by 2007 Legislature

**Drug Court Funding by Source: FY 2008**

State General Fund	\$296,814
Federal Grants	482,947
Local Governments and Nonprofits	135,099
TOTAL	\$914,860

- Judicial Branch request:
  - ❖ \$751,372 from the general fund for 2011 biennium to restore budget to level appropriated by 2007 Legislature for drug courts and statewide operations;
  - ❖ 3.0 FTE for FY 2010 and 4.0 FTE for FY 2011 for local drug court coordinators (existing positions); and



❖ \$125,000 in state special revenue from drug court participant fees.

- If funding is not restored, drug courts will close or be severely limited in size and effectiveness

#### **LFD ISSUE (Page 10, LFD Analysis): LACK OF STATUTORY GUIDANCE**

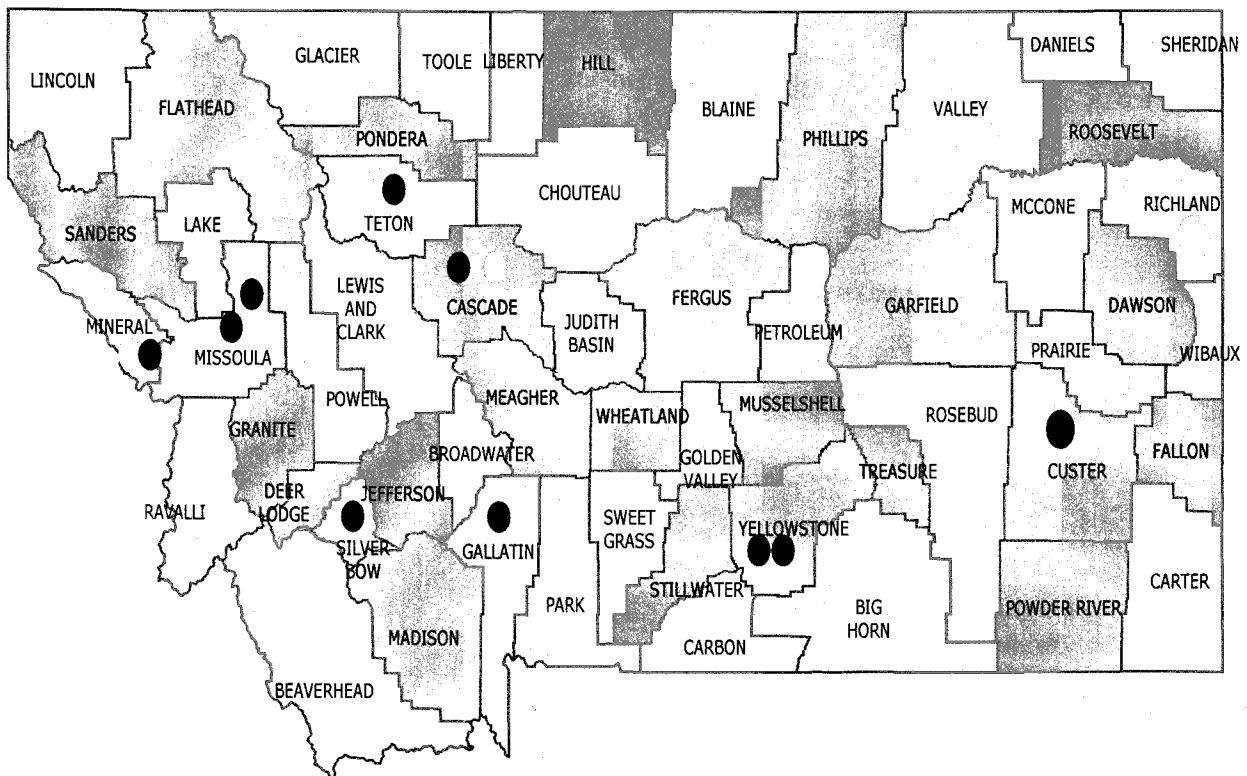
- Judicial Branch complied with 2009 biennium appropriation language
- District Court Council developed and Supreme Court approved a drug court funding policy
- Law and Justice Interim Committee considered and rejected sponsoring legislation regarding drug court operations and funding
- Performance subcommittee of Legislative Finance Committee received periodic updates
- Given amount of guidance and oversight regarding this program, statutory guidance may be unnecessary and redundant

#### **MEASURABLE OBJECTIVES**

- Judicial Branch will continue to collect and analyze statewide data on drug court participants
- Specific measurable objectives for 2011 biennium include:
  - Number of participants served by each drug court
  - Number of participants successfully completing each drug court program
  - Recidivism rate among participants while in program and after successful completion of program

# DRUG COURTS RECEIVING STATE FUNDING

FEBRUARY 2009



Adult



Juvenile



Family



Co-Occurring



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**MONTANA JUDICIAL BRANCH**  
**Self-Help Law Program and Statewide Pro Bono Coordinator**  
**February 5, 2009**

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**SELF-HELP LAW PROGRAM**

- This proposal requests \$505,000 and 2.0 FTE for the 2011 biennium to continue operating the Self-Help Law Program. This program, a product of the 2005 – 2006 Law and Justice Interim Committee, was developed and implemented with a one-time only appropriation from the 2007 Legislature for the same amount.
- The program provides tools and information to assist low-income Montanans who cannot afford an attorney navigate their way through the legal process on civil matters.
  - The program **does not** provide legal advice and does not represent clients in court.
- **Components of Self-Help Law Program:**
  - ▶ Self-Help Law Centers. Two self-help law centers are open, one in Flathead County and another in Yellowstone County. Each is staffed by one employee who assists people with finding legal forms and legal information.
  - ▶ Legal Forms. Montana Legal Services Association (MLSA) is under contract with the Court Administrator's Office to develop user-friendly, plain language legal forms and instructions. Many people can successfully represent themselves in court if they have access to understandable and complete forms.
  - ▶ Mini-Grant Self-Help Law Programs. Small grants have been awarded to local programs to assist people representing themselves. The programs include limited self-help law centers, mediation services, classes for self-help litigants and assistance with child support calculations. Programs are located in the 2<sup>nd</sup> Judicial District (Butte-Silver Bow), 4<sup>th</sup> Judicial District (Missoula and Mineral Counties), 8<sup>th</sup> Judicial District (Cascade County), 9<sup>th</sup> Judicial District (Teton, Toole, Pondera and Glacier Counties), 10<sup>th</sup> Judicial District (Fergus, Judith Basin and Petroleum Counties), 12<sup>th</sup> Judicial District (Hill and Chouteau Counties), 18<sup>th</sup> Judicial District (Gallatin County), and 21<sup>st</sup> Judicial District (Ravalli County).

- **Program Successes:**

- ▶ The Self-Help Law Centers in Flathead and Yellowstone Counties have served more than 3,390 clients since opening in January 2008. Customer satisfaction surveys have been overwhelmingly positive.
- ▶ Over 495 people have been assisted through the mini-grant programs throughout the state.
- ▶ Legal forms and instructions for name changes (adult, child and sealed record), emancipation, stepparent adoption, and modification of parenting plans have been completed and posted on public websites.
- ▶ With assistance from a VISTA member, volunteers for the self-help law centers are being recruited and trained.
- ▶ A public library project was recently piloted in the 13<sup>th</sup> (Yellowstone County) and 17<sup>th</sup> (Blaine, Phillips, and Valley Counties) Judicial Districts to make Internet resources available to people representing themselves.
- ▶ A self-represented litigation bench guide was distributed to judges in the district and limited jurisdiction courts.
- ▶ A self-represented litigants guide, "Going it Alone," has been developed and distributed to self-help law centers, mini-grant programs, judges, and clerks of court.

- **Measurable Objectives:**

- ▶ Number of people assisted in the two full-time self-help law centers and their level of satisfaction for services received in FY 2010 and FY 2011
- ▶ Number of people assisted in the part-time self-help programs in FY 2010 and FY 2011
- ▶ Number of legal forms made available to Montanans through the State Law Library website in FY 2010 and FY 2011

## STATEWIDE PRO BONO COORDINATOR

- This proposal requests \$100,313, 0.25 FTE in FY 2010, and 1.0 FTE in FY 2011 to fund a Billings-based employee from April 2010 through the remainder of the 2011 biennium. (The position is currently funded by a Montana Justice Foundation grant through March 2010.)
- Even with a high quality self-help law program, some people still need an attorney. This position works to increase the number of attorneys providing free (pro bono) legal work.
- The coordinator's responsibilities include:
  - ▶ Working with district courts and local bar associations to develop or expand programs that provide free legal services;
  - ▶ Developing training tools for attorneys so they are able to represent indigent clients in areas in which they may not normally practice;
  - ▶ Coordinating pro bono services with local self-help law programs so that clients who need additional assistance have that option; and
  - ▶ Providing non-traditional opportunities for pro bono work including limited assistance, information clinics, elder law, etc.
- **Program successes.** The pro bono coordinator has:
  - ▶ Developed and expanded local pro bono programs in 10 Montana judicial districts, ranging from fully developed urban-based programs to rural start-up programs.
  - ▶ Coordinated access to justice programs in six communities in the fall of 2008, which allowed attendees to explain unmet legal needs to community leaders. Participants committed to developing local solutions to meet the legal needs of low-income people.
  - ▶ Developed and completed (in partnership with the Yellowstone Bar Family Law Project) a *Family Law for Non-Lawyers* DVD. The material - made available to all district courts – provides a solid primer for a person considering representing him/herself in a family law matter.
  - ▶ Produced new on-line reporting forms so that attorneys can report pro bono hours each year in a user-friendly manner.
  - ▶ Developed programs to provide legal education to attorneys who may not routinely practice in areas most often targeted for free legal help.

- ▶ Worked extensively with judges to encourage judicial involvement in developing and sustaining pro bono programs throughout the state.

- **Measurable Objectives:**

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**Self-Help Law Program and Statewide Pro Bono Coordinator**  
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**MONTANA JUDICIAL BRANCH**  
**Personal Services Issues**  
**February 5, 2009**

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***LFD Comment (Page 4, LSD Analysis): Salaries Less Than Minimum of 80% of Market***

- The Judicial Branch has not had the money to address - to any significant degree – external pay equity. Instead, it has focused on internal salary disparity resulting from state assumption of District Court employees from the counties in 2002. Employees assumed from various counties were paid vastly different rates for the same work.
- The Branch received additional funding from the 2007 Legislature to address internal equity problems. For the most part, the Branch is now paying employees in similar positions with similar tenure at similar pay rates.
- The Branch also was able to slightly increase entry level salaries so that most occupations are paid within 75% of the entry-level market rate. Recognizing the state's financial situation, the Branch has not requested funding to address market considerations.

***Vacancy Savings (Page 2, LSD Analysis, Addendum)***

- The Judicial Branch was not subject to vacancy savings in the recent past. Given no recent experience with vacancy savings, it is difficult to predict outcomes. In all likelihood, it will be difficult to achieve the 2% goal.
- The Judicial Branch operates like 27 small agencies. The 22 District Courts have limited staff generally assigned to a specific judge. At most, this would include three staff members – a law clerk, court reporter and judicial assistant. There are no back-ups for these positions. Keeping these types of positions vacant makes it very difficult to maintain the on-going functions of the District Courts. Youth Court staffing also is lean and because of the direct service nature of these positions, it is difficult to maintain vacancies for the significant length of time required to generate the 2% savings.
- The Branch is anticipating, and has recently experienced, a decrease in turnover given the current economic situation, which presents an additional challenge for generating the required vacancy savings.

***LSD Issue (Page 2, LSD Analysis, Addendum): Personal Services Contingency Fund***

- HB13 (pay plan bill) currently includes funding for Executive Branch agencies that cannot maintain personal services within available appropriations.
- Historically, vacancy savings has not been applied to the Judicial Branch; therefore, the Branch has not needed a contingency fund.
- The appropriation statute specifies that the Chief Justice (or designee) is the approving authority for the Judicial Branch. Given this, the Legislature should provide a personal services contingency fund separate from the fund provided for Executive Branch agencies.
- The Legislature could provide funding in a restricted line item included in HB 2 that could only be accessed if the Chief Justice certified that the applied vacancy savings could not be achieved and the Legislative Finance Committee is notified.

***Legislative Request: Vacant Positions***

- The Judicial Branch has three positions – 2.0 FTE – vacant more than 25% of the year:
  - Position 21101410 (0.5 FTE) is a vacant fiscal officer position. This position will be used to achieve compliance with a legislative audit recommendation that the Branch develop a federal cost-recovery plan. Without this position, the Branch will not have the resources to address the audit recommendation.
  - Position 21115004 (0.5 FTE) is a vacant juvenile probation officer position. Instead of requesting additional Youth Court FTE, the Branch makes every effort to move FTE among the Youth Court offices using a matrix that takes into account caseload and other factors. The position is in the process of being moved to a Youth Court office requiring additional FTE to meet caseload increases.
  - Position 2110512 (0.5 FTE – state special revenue) is a court clerk in the Water Court. The Court was experiencing some difficulty with recruitment over the summer and plans on filling the position soon.

(Note: The Judicial Branch pay plan does not allow for bonus pay.)

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***LSD Issue (Page 2, LSD Analysis, Addendum): Personal Services Contingency Fund***

- HB13 (pay plan bill) currently includes funding for Executive Branch agencies that cannot maintain personal services within available appropriations.
- Historically, vacancy savings has not been applied to the Judicial Branch; therefore, the Branch has not needed a contingency fund.
- The appropriation statute specifies that the Chief Justice (or designee) is the approving authority for the Judicial Branch. Given this, the Legislature should provide a personal services contingency fund separate from the fund provided for Executive Branch agencies.
- The Legislature could provide funding in a restricted line item included in HB 2 that could only be accessed if the Chief Justice certified that the applied vacancy savings could not be achieved and the Legislative Finance Committee is notified.

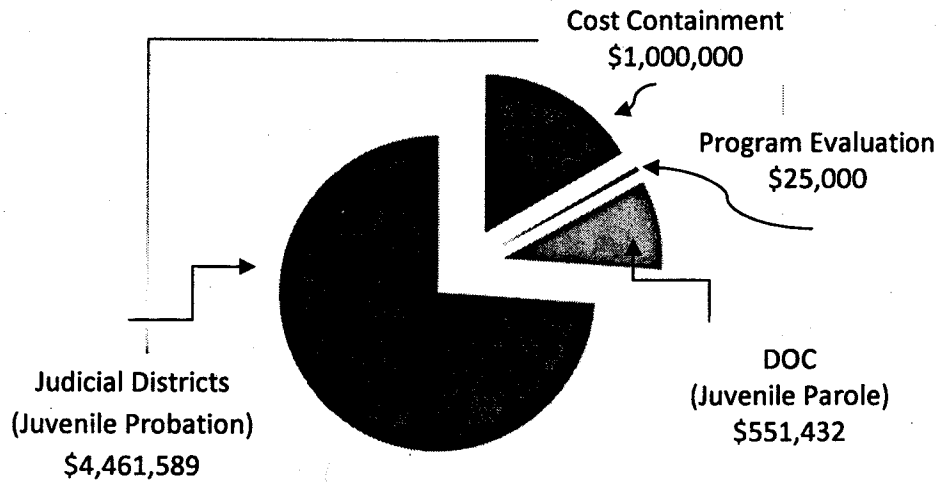
***Legislative Request: Vacant Positions***

- The Judicial Branch has three positions – 2.0 FTE – vacant more than 25% of the year:
  - Position 21101410 (0.5 FTE) is a vacant fiscal officer position. This position will be used to achieve compliance with a legislative audit recommendation that the Branch develop a federal cost-recovery plan. Without this position, the Branch will not have the resources to address the audit recommendation.
  - Position 21115004 (0.5 FTE) is a vacant juvenile probation officer position. Instead of requesting additional Youth Court FTE, the Branch makes every effort to move FTE among the Youth Court offices using a matrix that takes into account caseload and other factors. The position is in the process of being moved to a Youth Court office requiring additional FTE to meet caseload increases.
  - Position 2110512 (0.5 FTE – state special revenue) is a court clerk in the Water Court. The Court was experiencing some difficulty with recruitment over the summer and plans on filling the position soon.

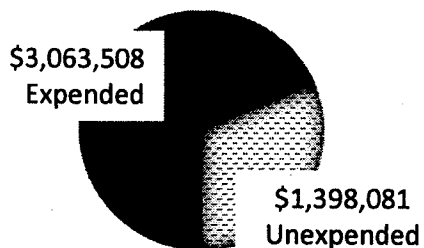
(Note: The Judicial Branch pay plan does not allow for bonus pay.)

# Juvenile Delinquency Intervention Program (JDIP)

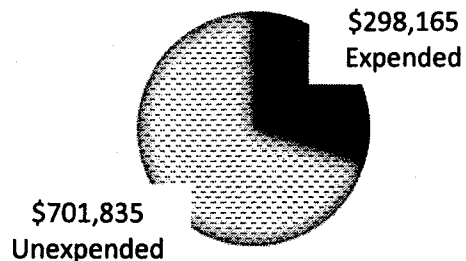
FY08 DOC Placement Budget: \$6,038,021



**JUDICIAL DISTRICTS ANNUAL ALLOCATIONS**  
\$4,461,589



**COST CONTAINMENT POOL**  
\$1,000,000



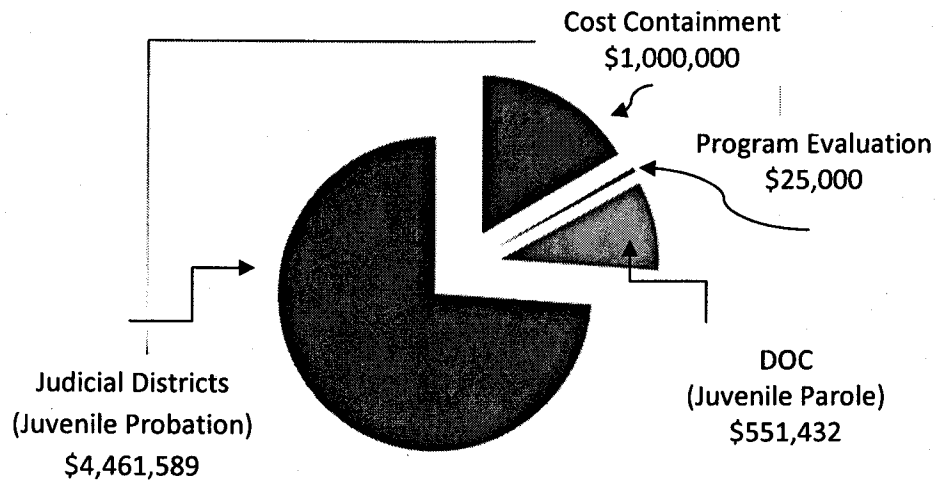
**YOUTH COURT INTERVENTION AND PREVENTION ACCOUNT**

**\$2,099,916**

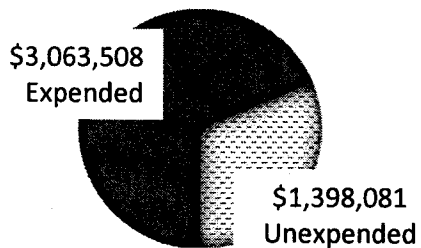
**(To be spent in FY 2009 and FY 2010)**

# Juvenile Delinquency Intervention Program (JDIP)

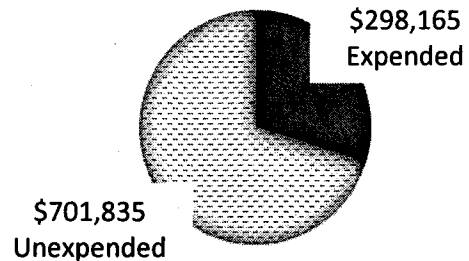
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\$4,461,589



**COST CONTAINMENT POOL**  
\$1,000,000



**YOUTH COURT INTERVENTION AND PREVENTION ACCOUNT**

**\$2,099,916**

**(To be spent in FY 2009 and FY 2010)**



## Intervention and Prevention Account General Fund Reversions

Fiscal Year	Amount Transferred	Amount Spent	Amount Reverted to General Fund
2004 (Spend through FY06)	\$924,808	\$906,012	\$18,796
2005 (Spend through FY07)	\$1,205,396	\$1,177,612	\$27,784
2006 (Spend through FY08)	\$1,874,748	\$1,874,443	\$305
2007(Spend through FY09)	\$2,329,194	N/A	N/A
2008 (Spend through FY10)	\$2,099,916	N/A	N/A

### IMPACT OF \$1,000,000 ANNUAL REDUCTION IN PLACEMENT MONEY

- The annual allocation to judicial districts will be reduced by nearly 20% from \$4.46 million to \$3.57 million.
- Fewer dollars means less funding for community-based services and programs. Likewise, requests for funding from the Cost Containment Pool will increase, further reducing money available for these services and programs.
- Without funding for community-based services and programs, more youth will be placed in group homes and residential treatment facilities. These placements are much more costly, more restrictive, and remove youth from their communities.
- A funding shift from Medicaid to state general fund money for therapeutic group home placements will further drain Youth Court funding. Room and board costs for a therapeutic group home are paid for with JDIP funds while treatment costs are covered by Medicaid. As early as FY 2010, the room and board costs, which are currently approximately 20% will increase to at least 30%.

# Montana Supreme Court

## Case Processing Measures

### Annual Summary Report

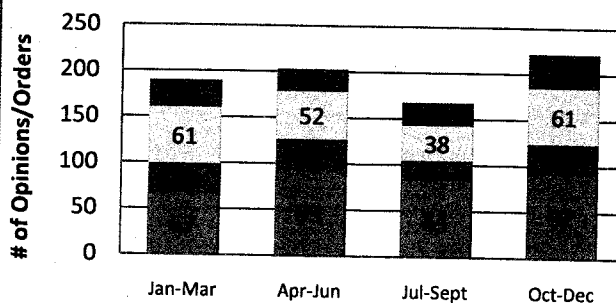
# 2008

#### 4th Quarter Highlights

47 Original Proceeding cases were filed in the 4th quarter well above the 30 case quarterly average.

185 Direct Appeal cases were disposed of in 4th quarter well above the 154 case quarterly average.

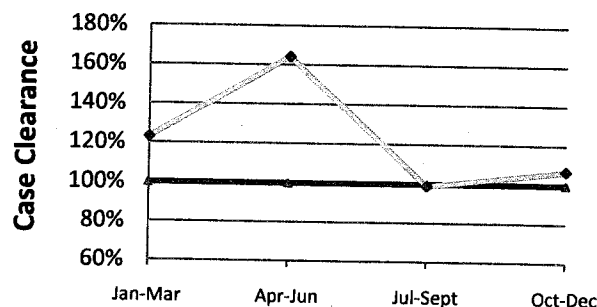
#### Manner of Disposition



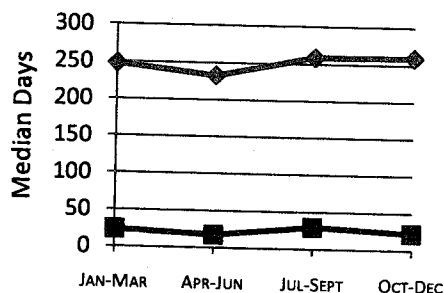
Published Opinion    Non-Cite Opinion or Memorandum  
Closed Other    Original Proceeding Dispositive Order

#### Age of Pending Cases as of 12/31/2008

Age in Days from Date Sent to Court	# Cases Less than 365 Days Old	# Cases More than 365 Days old	Percent Current (less than 365 days old)
<b>Direct Appeal</b>			
Civil General	113	27	81%
Domestic Relations	12	2	86%
Abuse & Neglect	2	0	100%
Criminal	83	14	86%
<b>Direct Appeal All</b>	<b>210</b>	<b>43</b>	<b>83%</b>
<b>Original Proceedings</b>	<b>32</b>	<b>1</b>	<b>97%</b>



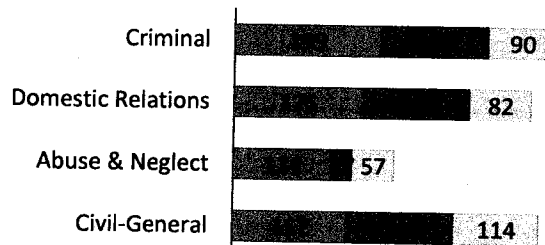
#### Time to Disposition



Direct Appeals    Original Proceedings

#### Direct Appeal Lifecycle - Median Days by Case Type

- Median Days from Notice of Appeal to Court
- Median Days from Date Sent to Court to Classification
- Median Days from Classification to Remittitur



**Case Clearance:** The ratio between the number of cases closed (outgoing) and the number of cases filed (incoming).

**Manner of Disposition:** The manner by which the Court disposes of its cases.

**Age of Pending Cases:** The age of the Court's active cases (does not include stayed cases or oral argument cases).

**Time to Disposition:** The length of time (median days) it takes the Court to dispose of cases (does not include oral argument cases).

Baseline information and a description of the methodology used is available at [www.courts.mt.gov](http://www.courts.mt.gov)

# Montana Supreme Court

## Case Processing Measures

### Annual Summary Report

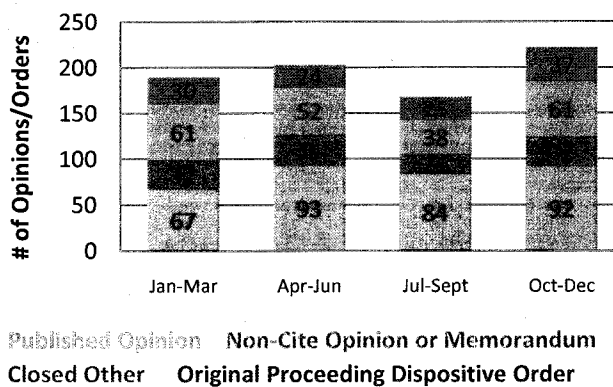
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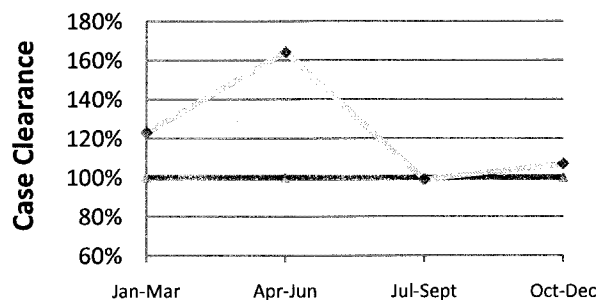
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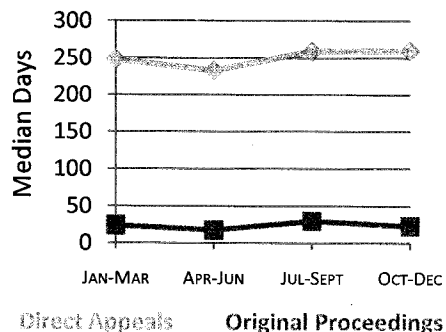


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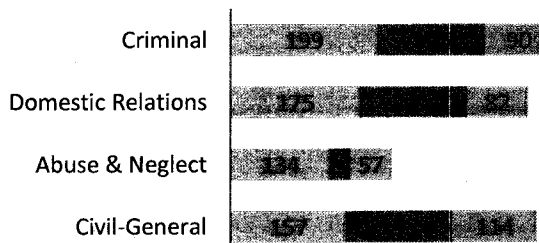


#### Time to Disposition



#### Direct Appeal Lifecycle - Median Days by Case Type

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**JUDICIAL BRANCH INFORMATION TECHNOLOGY STATUS REPORT**  
**Submitted by Lois Menzies, Court Administrator**  
**Montana Supreme Court**  
**February 2009**

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This report is submitted in compliance with section 3-1-702, MCA, which requires the court administrator to report to the General Government and Transportation Subcommittee on the "status of development and procurement of information technology within the judicial branch." The report provides a Judicial Branch IT profile and a progress report on recent IT projects.

**Judicial Branch IT Profile**

The Office of Court Administrator (OCA) provides technology services through the Court Technology Program to 981 users within the Supreme Court, the Water Court, 56 District Courts, 5 Municipal Courts, 66 Justices Courts, and 81 City Courts. This support includes purchase, installation, networking, and maintenance of computers and office software and the deployment, training, and maintenance of court case management systems. In addition, the OCA provides support for courtroom technology, including interactive video, court reporting and recording equipment, sound systems, and other technologies found in the courtroom.

The Supreme Court's **Commission on Technology** provides guidance and oversight to the court technology program. The Commission on Technology prepares the **Information Technology Strategic Plan** and monitors performance of the plan throughout the year. The current plan is available at: [www.courts.mt.gov](http://www.courts.mt.gov).

The table on the following page lists the major IT goals achieved by the Judicial Branch during the 2009 biennium.

## Judicial Branch Major IT Accomplishments – 2009 Biennium

<b>strategic Goal/ Summer 2007</b>	Deployed the Supreme Court component of the C-Track case management system and deployed the document management system subsystem of C-Track for the Clerk of the Supreme Court.
<b>strategic Goal/ Fall-Winter 2008</b>	Added interactive video conferencing in the Teton, Pondera, Carbon, and Sanders County courthouses.
<b>strategic Goal/ Fall-Winter 2008 (on-going)</b>	Upgraded sound systems in eight of the busiest courtrooms. Surveyed state-employed court reporters and court transcriptionists and upgraded state-owned court reporting/recording equipment.
<b>strategic Goal/ Spring 2008</b>	Deployed a common automated jury management system to all trial courts compliant with the combined voter/driver juror list authorized in HB 540 (2003 session). The technical specification was the result of a joint task force of Clerks of District Court, Clerk and Recorders, Office of Secretary of State, and Department of Justice.
<b>strategic Goal/ Summer 2008</b>	Established educational website for the Supreme Courts Rules on Access to Court records.  Commission on Technology E-Filing Task Force created to define the functional requirements of an electronic filing system in Montana courts and to establish a pilot system in the summer of 2009.
<b>strategic Goal/ Fall 2008</b>	Established the Water Court Significant Case Search application publicly available through the Water Court website providing electronic access to significant water cases.
<b>strategic Goal/ Winter 2009</b>	Complete the roll-out of FullCourt in District Courts. Fifty-five counties are currently installed with the last remaining county, Cascade, to be installed in February 2009.
<b>strategic Goal/ Winter 2009</b>	In conjunction with the Department of Administration (DOA) expect to complete network enhancements to county courthouses as part of DOA's SummitNet II expansion project.  Added video conferencing capability in the Madison and Deer Lodge county courthouses.

(Note: Shaded projects received funding from HB 4 during 2007 legislative session.)

# MONTANA SUPREME COURT

## Employee Survey Results

August 12, 2008

Survey Question	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Number of Responses
1. I am kept informed about matters that affect me.	20.0%	55.0%	20.0%	5.0%	0.0%	20
	4	11	4	1	0	
2. I understand what is expected of me.	50.0%	35.0%	15.0%	0.0%	0.0%	20
	10	7	3	0	0	
3. I have the resources (materials, equipments, supplies, etc.) necessary to do my job well.	50.0%	50.0%	0.0%	0.0%	0.0%	20
	10	10	0	0	0	
4. I have the time necessary to do my job well.	50.0%	45.0%	0.0%	5.0%	0.0%	20
	10	9	0	1	0	
5. I am able to do my best every day.	30.0%	50.0%	5.0%	15.0%	0.0%	20
	6	10	1	3	0	
6. Communication within my work unit is good.	30.0%	45.0%	15.0%	10.0%	0.0%	20
	6	9	3	2	0	
7. In the last month, I was recognized and praised for doing a good job.	30.0%	40.0%	20.0%	5.0%	5.0%	20
	6	8	4	1	1	
8. Someone at work cares about me as a person.	50.0%	35.0%	15.0%	0.0%	0.0%	20
	10	7	3	0	0	
9. I have opportunities to express my opinion about how things are done	35.0%	45.0%	15.0%	0.0%	5.0%	20
	7	9	3	0	1	
10. The Montana Supreme Court is respected in the community.	25.0%	50.0%	25.0%	0.0%	0.0%	20
	5	10	5	0	0	
11. My co-workers work well together.	30.0%	60.0%	5.0%	0.0%	5.0%	20
	6	12	1	0	1	
12. I am encouraged to try new ways of doing things.	10.0%	45.0%	30.0%	15.0%	0.0%	20
	2	9	6	3	0	
13. I understand the relationship between the work I do and the mission and goals of the Court.	40.0%	50.0%	10.0%	0.0%	0.0%	20
	8	10	2	0	0	
14. My working conditions and environment enable me to do my job well.	45.0%	35.0%	15.0%	0.0%	5.0%	20
	9	7	3	0	1	
15. I feel valued by my supervisor based on my knowledge and contributions	40.0%	40.0%	15.0%	5.0%	0.0%	20
	8	8	3	1	0	
16. I feel free to speak my mind.	35.0%	45.0%	20.0%	0.0%	0.0%	20
	7	9	4	0	0	
17. In the last month, someone at work has talked to me about my performance.	5.0%	50.0%	20.0%	20.0%	5.0%	20
	1	10	4	4	1	
18. I enjoy coming to work.	35.0%	55.0%	10.0%	0.0%	0.0%	20
	7	11	2	0	0	
19. I care about the quality of my work.	85.0%	15.0%	0.0%	0.0%	0.0%	20
	17	3	0	0	0	
20. My co-workers care about the quality of their work.	35.0%	60.0%	0.0%	5.0%	0.0%	20
	7	12	0	1	0	
21. I am treated with respect.	50.0%	50.0%	0.0%	0.0%	0.0%	20
	10	10	0	0	0	
22. I am proud that I work for the Montana Supreme Court.	70.0%	20.0%	10.0%	0.0%	0.0%	20
	14	4	2	0	0	

## MONTANA SUPREME COURT BENCH & BAR SURVEY

### Percentage (& Number) of Respondents Who Strongly Agreed or Agreed\*

Survey Question	Overall	Judges	Attorneys	Faculty
1. The Montana Supreme Court's decisions are based on the facts and applicable law.	74.8% (320)	90.0% (27)	73.0% (276)	90.9% (10)
2. The Montana Supreme Court's published opinions clearly state the appropriate rule of law, identify and apply standards of review, and provide instructions on remands.	81.0% (349)	81.3% (26)	80.3% (305)	90.9% (10)
3. The Montana Supreme Court's published opinions explain deviations from the principle of <i>stare decisis</i> and the adoption of new developments in the law.	66.6% (277)	67.7% (21)	65.8% (241)	81.8% (9)
4. The Montana Supreme Court issues opinions in adversarial cases in a timely manner.	31.4% (128)	25.8% (8)	31.2% (112)	66.7% (6)
5. The Montana Supreme Court completes its overall workload in a timely manner.	37.7% (147)	33.3% (10)	37.2% (127)	70.0% (7)
6. The Montana Supreme Court treats trial court judges with courtesy and respect in its opinions.	90.1% (373)	75.0% (24)	90.9% (331)	100.0% (11)
7. The Montana Supreme Court treats attorneys with courtesy and respect.	84.9% (354)	93.5% (29)	83.3% (305)	100.0% (11)
8. The Montana Supreme Court provides information about its roles, procedures, and operations.	92.4% (388)	96.9% (31)	91.6% (338)	100.0% (10)
9. The Montana Supreme Court's attorney disciplinary process is fair.	78.6% (265)	83.3% (25)	77.1% (226)	100.0% (8)
10. The Montana Supreme Court imposes disciplinary sanctions on attorneys that are proportionate to the attorneys' misconduct.	79.5% (268)	93.1% (27)	77.6% (228)	100.0% (7)

<b>Average Overall</b>	<b>71.7%</b>
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\* Excludes respondents who answered "Undecided or Unknown".

The Supreme Court conducted an electronic survey between September 3 and September 17, 2008. The survey was sent to 983 District Court judges, law school faculty and adjunct faculty, and appellate attorneys involved in cases disposed of by opinion between July 1, 2006 and June 30, 2008. Four hundred fifty-five (455) individuals responded to the survey -- 36 judges, 12 faculty members, and 397 attorneys -- for a response rate of 46.3%.

NOTE: Summing the number of responses from judges, attorneys, and faculty members will not equal the overall numbers because not all respondents identified their occupation.

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## MONTANA JUDICIAL BRANCH

### Court Performance Measures

February 5, 2009

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- September 2007: Supreme Court embarked on project to develop and implement set of measures to gauge court's performance.
- With assistance from National Center for State Courts, Supreme Court adapted and applied the Center's performance measurement system called *Appellate CourTools*
- The following performance measures were implemented by the Court:

**Employee Survey.** The percentage of the Montana Supreme Court employees who believe that they are positively and productively engaged in the mission and work of the Supreme Court and believe it is a quality workplace. The initial employee survey was conducted in July 2008. The employee survey will be conducted each year.

**Constituent Survey.** The percentage of members of the Montana District Court judges, appellate bar, and law school teaching faculty who believe that the Montana Supreme Court is delivering quality justice in its adjudicative, regulatory, and administrative functions. The initial constituent survey was conducted in September 2008. The constituent survey will be conducted every other year.

#### **Case Processing Measures**

Baseline data was obtained by applying the following measures to direct appeals and original proceeding cases filed, pending, or disposed of during calendar year 2008. The measures will be repeated every 6 months.

**Case Clearance and Productivity.** The ratio between the number of cases closed (outgoing) and the number of cases filed (incoming) broken out by case type. Productivity is indicated by the number of outgoing cases broken out by decision form – published opinion, non-cite or memorandum, order, etc.

**Age of Pending Caseload.** The age of active cases (i.e., those cases awaiting disposition) broken out by case type.

**On-Time Case Processing.** The length of time that it takes for the Court to dispose of cases broken out by case type.



- By analyzing data generated by surveys and case processing measures, Supreme Court is identifying areas where it is doing well and areas where improvement may be warranted.
- Armed with this information, Court can focus its efforts and resources on problem areas and implement appropriate strategies for improvement.
  - ❖ In an effort to reduce length of time it takes to dispose of cases, Court has decided to use four-member, rather than five-member, panels to handle most cases. The use of four-member panels will reduce the number of cases assigned to each justice thereby freeing up time for opinion writing and other judicial matters.
  - ❖ Additionally, Court is seeking to speed up the process by revising Rules of Appellate Procedure in several areas, including reducing length of extensions granted to file court transcripts and shortening the size of briefs.
- Results of these performance measures available on the Judicial Branch website: <http://montanacourts.org/>.
- Parallel project, approved by District Court Council, underway for the District Courts across the state.